UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

GEORGE GUINDON, ET ALS :
:
vs. : C.A. No. 03-335-L
:
AMERICAN FOAM CORPORATION, ET ALS :
:

APPLICABLE TO PLAINTIFF, MICHELLE SPENCE, ONLY

DEFENDANT, DERCO, LLC'S, ANSWER

PRELIMINARY STATEMENT

Michael Derderian and Jeffrey Derderian are the only members of DERCO, LLC. Insofar as Michael Derderian and Jeffrey Derderian presently charged in indictment K1 03-655A and K1 03-654A respectively with two hundred counts of involuntary manslaughter as a result of the fire that occurred on February 20, 2003 at the Station Nightclub they are faced with the real and substantial risk of self-incrimination if they are required to answer on behalf of DERCO, LLC. Therefore, DERCO, LLC has appointed Robert E. Flaherty, Esquire as its agent to gather information to respond on behalf of DERCO, LLC. *United States v. Kordel*, 397 U.S. 1 (1970). The agent has reviewed documents and records of DERCO, LLC and responds on its behalf as follows:

The plaintiff has adopted the first amended master complaint in *Albert L. Gray, Administrator, et al v. Jeffrey Derderian, et al*, C.A. No. 04-312L. The defendant, DERCO, LLC, hereby incorporates by reference its answer filed on its behalf as its answer as if set forth fully herein.

The defendant, DERCO, LLC, is without sufficient information to admit or deny the additional allegations set forth in plaintiff's notice of adoption.

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DERCO, LLC
By its attorney,

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THE DEFENDANT, DERCO, LLC, HEREBY DEMANDS A TRIAL BY JURY.

Anthony F. DeMarco, Esquire #0799

CERTIFICATION

I hereby certify that on the 4th day of February, 2005, I e-mailed a copy of the within to the following attorneys of record:

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